

Restriction/Election Requirement

The Office requires restriction of claims 1-52 under 35 U.S.C. § 121 to one of the following groups:

Group I, claim(s) 1-7, 11, 42-44, 46, 49-52 (in part) and 8, drawn to a compound of formula I which contains formula II of claim 8.

Group II, claim(s) 1-7, 42-46 and 49-52 (in part), drawn to a compound of formula I which contains formula IV of claim 45.

Group III, claim(s) 1-7, 42-46 and 49-52 (in part), drawn to a compound of formula I which contains formula V of claim 45.

Group IV, claim(s) 1-7, 42-46 and 49-52 (in part), drawn to a compound of formula I which contains formula VI of claim 45.

Group V, claim(s) 1-7, 42-46 and 49-52 (in part), drawn to a compound of formula I which contains formula VII of claim 45.

Group VI, claim(s) 1-7, 9-16, 42-44, 46 and 49-52 (in part), drawn to a compound of formula I, excluding the compounds of Groups I-V, which contains a heterocycloalkyl, heterocyclyl or heteroaryl group.

Group VII, claim(s) 1-7, 9-16, 42-44, 46 and 49-52 (in part), drawn to a compound of formula I, excluding the compounds of Groups I-VI, which contains phenyl or formula (III) of claim 13 or 14.

Group VIII, claim(s) 1, 3-4, 11, 15-16, 42-44, 46 and 49-52 (in part), drawn to a compound of formula I, excluding the compounds of Groups I-VII, which contains a cycloalkyl, cyclyl or aryl group.

Group IX, claim(s) 1, 3-4, 11, 15-16, 42-44, 46 and 49-52 (in part), drawn to a compound of formula I, excluding the compounds of Groups I-VIII.

Group X, claim(s) 17 (in part), drawn to a pharmaceutical composition comprising a compound of formula I, without an additional therapeutic agent.

Group XI, claim(s) 17 (in part) and 18-20, drawn to a pharmaceutical composition comprising a compound of formula I and an additional therapeutic agent.

Group XII, claim(s) 21-23, 25-30 and 34-41 (in part), drawn to a method of treating a subject suffering from or susceptible to a disease or disorder, comprising administering a compound of formula I without an additional therapeutic agent.

Group XIII, claim(s) 21-23, 25-30, 34-41 (in part) and 24, drawn to a method of treating a subject suffering from or susceptible to a disease or disorder, comprising administering a compound of formula I and an additional therapeutic agent.

Group XIV, claim(s) 31-32, drawn to a method of administering nitroxyl to a subject.

Group XV, claim(s) 33, drawn to a kit comprising a compound of formula I and instructions.

Group XVI, claim(s) 47-48, drawn to a method of modulating a target.

For any one of Groups I-XVI, the Office further requires applicants to elect a single disclosed compound of formula (I).

Provisional Election

Applicants provisionally elect, without traverse, Group IX, claim(s) 1, 3-4, 11, 15-16, 42-44, 46 and 49-52 (in part), drawn to a compound of formula I, excluding the compounds of Groups I-VIII. Applicants further provisionally elect the compound of formula (I) wherein m and n are each 0, and R¹ and R² are each -CH₂CF₃. At least claims 1, 15, 16 and 43 read on the elected species.

Support for the elected species may be found, for example, in prior U.S. Provisional Application No. 60/540,688, p. 10 under "Other Diethylamine Derivatives", and in prior U.S. Provisional Application No. 60/632,456, p. 10 under "Other Diethylamine Derivatives", the entire contents of which have been incorporated by reference into the present application. *See* Specification, p. 1, lines 2-5. Applicants reserve the right to pursue the non-elected subject matter in one or more divisional application(s).

Should the Examiner have any questions regarding this application, he is encouraged to contact applicants' undersigned representative at (202) 942-5000.

Respectfully submitted,


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